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RELEASED IN FULL**Secret Detentions**

The President has made clear that we are not going to talk about where the facilities were and who may have been involved. As the President has said, the CIA program has detained only a limited number of terrorists at any given time -- and once we've determined that the terrorists held by the CIA have little or no additional intelligence value, many of them have been returned to their home countries for prosecution or detention by their governments. On September 6th, 2006, President Bush announced that 14 leaders and operatives of Al Qaeda who remained in CIA custody had been moved from classified locations to DOD custody at Guantanamo where they can be brought to justice for their crimes. The ICRC was notified and has had access to them at Guantanamo.

Renditions

Renditions are used to transport terrorist suspects from the country where they were captured to another country where they can be questioned, held, or brought to justice. Renditions are not inherently unlawful. For decades, the United States and other countries have used renditions to transport terrorist or criminal suspects. U.S. personnel are required to treat all detainees consistent with U.S. law and treaty obligations, including customary international law prohibitions on torture and cruel, inhuman, or degrading treatment, and against transferring persons to be tortured. The United States does not transport and has not transported detainees from one country to another for the purpose of interrogation using torture. Although as a legal matter Article 3, which is the article that addresses non-refoulement, does not impose obligations on the United States with respect to an individual who is outside the territory of the United States, as a matter of policy, the United States does not transfer persons to countries where it believes it is "more likely than not" that they will be tortured. This policy is consistent with the CAT, and applies to all components of the U.S. Government and with respect to individuals in U.S. custody or control regardless of whether they are inside or outside of U.S. territory.

**International Convention for the Protection of All Persons from
Enforced Disappearance**

The United States was an active participant in each and every session of the Working Group to draft the Convention for the Protection of all Persons from Enforced Disappearances. We were disappointed that the final text of the Convention did not represent the consensus of all members of the Working Group. A description of our concerns about this Convention can be found in the Note Verbale that we submitted as part of the official record. It can be found on the UN Office of the High Commissioner for Human Rights' website and is listed as document A/HRC/1/G/1 and is dated 27 June 2006. Included in our list of our concerns are:

- The definition of crime would have been much improved had it been more precise and included an explicit requirement for intentionality.
- The United States expresses its intent to interpret the Right to Truth consistent with the Commission on Human Rights Resolution on the Right to Truth, for example, the United States is committed to advancing the cause of families dealing with the problem of missing persons; however, we do not acknowledge any new international right or obligation in this regard.
- International humanitarian law takes precedence over the provisions contained in this Convention.
- The United States continues to support the use of an existing treaty body to perform monitoring functions, that is, the Human Rights Committee, which currently deals with forced disappearances, in view of the Committee's expertise, in the interests of consistency of jurisprudence, efficiency, avoidance of redundancy, and cost.
- Criminalization should not be read to require various domestic legal systems to enact an autonomous offense of enforced disappearances, which is unnecessary and unworkable in a federal system such as ours.
- Requiring criminalization of crimes against humanity is vague, aspirational in nature, and inappropriate as an operative treaty provision.
- The unavailability of a defense of obedience to superior orders in a prosecution related to enforced disappearance could under certain circumstances be inconsistent with due process guarantees.
- Restrictions on statute of limitations present problems of implementation in a federal system.

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- Article 22 on additional criminalization, among other concerns, should contain an express intentionality requirement.
- Article 24 on the right to truth and reparation may not be consistent with a common law system for granting remedies and compensation.

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